

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

AVERY OUTDOORS LLC f/k/a BANDED FINANCE LLC,

Plaintiff,

v.

PEAK ROCK CAPITAL, LLC, and
OUTDOORS ACQUISITION CO., LLC,

Defendants,

Case No. 2:16-cv-02229-SHL-tmp

And,

OUTDOORS ACQUISITION CO., LLC

Third-party Plaintiff/Counter-Claimant,

v.

AO LIQUIDATION TRUST INC., f/k/a AVERY OUTDOORS, INC.,

Third-Party Defendant /Cross-Claimant.

**JOINT NOTICE OF WITHDRAWAL OF REQUESTS FOR
FEES, EXPENSES AND COSTS PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 37 AND 28 U.S.C. § 1447(c)**

COME NOW Plaintiff Avery Outdoors LLC f/k/a Banded Finance LLC (“Banded”) and Third-Party Defendant AO Liquidation Trust, Inc., f/k/a Avery Outdoors, Inc. (“Avery”), by and through counsel, and file this Joint Notice of Withdrawal of Requests for Fees, Expenses and Costs (“Joint Notice of Withdrawal”).

Banded was previously awarded its reasonable fees and costs pursuant to Federal Rule of Civil Procedure 37(5)(A) in this Court’s Order Remanding Case to Shelby County Chancery

Court (the “Remand Order”) [Doc. No. 218]. The Remand Order instructed Banded to file supporting documentation in compliance with Local Rule 54.1(b) as to the fees, costs and expenses which Banded seeks pursuant to Rule 37(5)(A) and 28 U.S.C. § 1447(c). By filing this Joint Notice of Withdrawal, Banded withdraws any request for fees, costs or expenses from the Defendants Peak Rock Capital LLC (“Peak Rock”) and Outdoors Acquisition Co., LLC (“OAC”) (OAC and Peak Rock together are the “Defendants”).

Avery previously filed a Motion to Remand Case and to Award Attorneys’ Fees and Costs [Doc. No. 217]. The Remand Order denied the remand request of Avery as moot but left pending the portion of Avery’s motion seeking fees and costs pursuant to 28 U.S.C. § 1447(c). By filing this Joint Notice of Withdrawal, Avery withdraws any request for fees, costs or expenses from the Defendants.

This Joint Notice of Withdrawal is intended to resolve all outstanding requests for fees, expenses and costs which remained before this Court pursuant to Rule 37(5)(A) and 28 U.S.C. § 1447(c).

Respectfully submitted,

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Counsel for AO Liquidation Trust, Inc. f/k/a Avery Outdoors, Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed with the Court's ECF/CM system, which shall transmit a true and correct copy of the foregoing document upon all parties receiving notice.

This the 18th day of July, 2018.

/s/ R. Campbell Hillyer